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FILED

FEB 8 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

 **ORIGINAL**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD ORMEDO OCHOA-ESCOTO,
a/k/a Ronald Olmedo Ochoa-Escoto,

Defendant.

Criminal No. 3-10-70011 EDL

~~PROPOSED~~ ORDER AND
STIPULATION EXCLUDING TIME
FROM JANUARY 29, 2010, TO
FEBRUARY 9, 2010

The parties appeared before the Honorable Bernard Zimmerman on January 29, 2010.
With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to a waiver of time for indictment under Federal Rule of Criminal Procedure 5.1(d) and to an exclusion of time for indictment under the Speedy Trial Act, 18 U.S.C. § 3161(b), from January 29, 2010, to February 9, 2010, in light of the need for the defendant to consider a pre-indictment plea offer. The parties are also attempting to obtain a record of conviction that will allow the defendant to meaningfully consider the pre-indictment offer. Failure to grant the requested Speedy Trial continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of

STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME
CR 3-10-70011 EDL

1 due diligence and the need for counsel to obtain and review the discovery, specifically the record
2 of conviction, with the defendant.

3 2. Given these circumstances, the Court found that the ends of justice served by
4 excluding the period from January 29, 2010, to February 9, 2010, outweigh the best interest of
5 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6 3. Also given these circumstances, the Court found that good cause exists under Federal
7 Rule of Criminal Procedure 5.1(d) to extend the time limit for indictment.

8 4. Accordingly, and with the consent of the defendant, the Court ordered that the period
9 from January 29, 2010, to February 9, 2010, be excluded from Speedy Trial Act calculations
10 under 18 U.S.C. § 3161(b), (h)(7)(A), and (B)(iv) and that good cause exists to excuse the time
11 limitations for indictment under Federal Rule of Criminal Procedure 5.1(c) and (d).

12 IT IS SO STIPULATED.

13
14 DATED: January 29, 2010

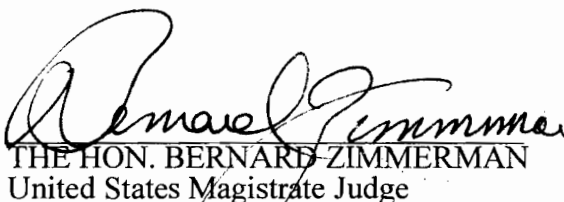
15 /s/
ELIZABETH FALK
Counsel for Ronald Ochoa-Escoto

16
17 DATED: January 29, 2010

18 /s/
DARYL T. EREMIN
Special Assistant United States Attorney

19
20 IT IS SO ORDERED.

21
22 DATED: 8 Feb '10


THE HON. BERNARD ZIMMERMAN
United States Magistrate Judge